

Notice of Allowability

Application No.

10/816,675

Examiner

Annette R. Reimers

Applicant(s)

SEMET, ELLIOT CHARLES

Art Unit

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/28/06.
2. ☒ The allowed claim(s) is/are 4-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arthur Peslak on Friday, May 19, 2006.

The application has been amended as follows:

In the Specification:

On page 8, line 7, after "play." add -- An alternate embodiment screw, 15, is presented in Figure 5b --.

In the Abstract:

On line 1, delete "The present invention provides for."

On line 1, "a" has been changed to -- A --.

In the Claims:

In claim 4, step a, line 5, "screws." has been changed to -- screws; --.

In claim 4, step e, line 13, "Repeating step "d" until the plurality of screws necessary to produce the intramedullary nail with locked screw to maintain the fracture." has been changed to -- Inserting sequentially each of the remainder of the plurality of screws and tightening each of the remainder of the plurality of screws thereby pushing the threaded guidewire into a previously inserted screw and causing the guidewire and

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threads on the previously inserted screw to interact so that the plurality of screws necessary to reduce the fracture are inserted and tightened in place. --

After claim 9, delete "A copy of the claims is attached hereto as Exhibit 2."

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The claims in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose, or suggest a method for reducing fractures comprising the steps of: (a) Inserting an intramedullary nail into a cortical bone of a patient wherein the intramedullary nail comprises a hollow interior for use as a guidewire track and a plurality of screw openings adapted to receive a plurality of screws; (b) Inserting a first distal screw and locking the first distal screw in a first screw opening; (c) Inserting a threaded guidewire through the guidewire track; (d) Inserting a second screw proximal to the first distal screw and tightening the second screw thereby pushing the threaded guidewire into the first distal screw and causing the guidewire and first distal screw threads to interact and lock the screw to the nail; and (e) Inserting sequentially each of the remainder of the plurality of screws and tightening each of the remainder of the plurality of screws thereby pushing the threaded guidewire into a previously inserted screw and causing the guidewire and threads on the previously inserted screw to interact so that the plurality of screws necessary to reduce the fracture are inserted and tightened in place, as set forth in claim 4.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annette R. Reimers whose telephone number is (571) 272-7135. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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